

REMARKS

Claims 1-20 are pending in the present application. Claims 1, 6, and 13 are amended, contain no new matter, and are supported by the specification, including page 9, second paragraph. Claim 10 is amended to correct the misspelling of "wavelength."

The Office Action rejected claims 1-2, 5-10, and 13-19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,991,324 to Knowles et al. ("Knowles").

Applicant traverses this rejection and requests reconsideration of claims 1-2, 5-10, and 13-19 . To anticipate a claim, a reference must teach every element of the claim. Knowles does not teach every element of the claims as shown below. Therefore, claims 1-2, 5-10, and 13-19 are patentable over Sherman under § 102(b).

Amended claim 1 recites "a telecommunication window of the wavelength-dependency is approximately 1500-1600 nm." To the contrary, Knowles relates to an excimer laser, which is a high power laser working in < 300 nm. (Knowles, col. 2, lines 8-24). Therefore, claim 1 is patentable over Knowles under § 102(b). Applicants request reconsideration of claim 1.

Claims 2, 5, and 15 depend from 1 and, thus, include at least the patentably distinct elements of claim 1. Therefore, claims 2, 5, and 15 are patentable over Knowles under § 102(b). Applicants request reconsideration of claims 2, 5, and 15.

Amended claim 6 recites "a telecommunication window of the wavelength-dependency is approximately 1500-1600 nm." For the same reasons set forth for claim 1, claim 6 is patentable over Knowles under § 102(b). Applicants request reconsideration of claim 6.

Claims 7-10 and 16-19 depend from 6 and, thus, include at least the patentably distinct elements of claim 6. Therefore, claims 7-10 and 16-19 are patentable over Knowles under § 102(b). Applicants request reconsideration of claims 7-10 and 16-19.

Amended claim 13 recites "a telecommunication window of the wavelength-dependency is approximately 1500-1600 nm." For the same reasons set forth for claim 1, claim 13 is patentable over Knowles under § 102(b). Applicants request reconsideration of claim 13.

Claim 14 depends from 13 and, thus, include at least the patentably distinct elements of claim 13. Therefore, claim 14 is patentable over Knowles under § 102(b). Applicants request reconsideration of claim 14.

The Office Action rejected claims 3 and 4 under 35 U.S. C. § 103(a) as being unpatentable over Knowles in view of U.S. Patent No. 5,515,169 to Cargill et al ("Cargill") and G. R. Fowles, "Introduction to Modern Optics," Dover Publications, New York, 1968, pp. 96-99 ("Fowles").

Applicant traverses this rejection and requests reconsideration of claims 3 and 4. A *prima facie* case of obviousness has not been established, because the combination of Cargill and Fowles does not teach or suggest all the claim limitations. Therefore, claims 3 and 4 are patentable under § 103(a).

Claims 3 and 4 depend from claim 1 and, thus, include material patentably distinct from Knowles, as discussed above. Furthermore, Applicants were unable to find any teaching or suggestion of "a telecommunication window of the wavelength-dependency is approximately 1500-1600 nm." in either Cargill or Fowles. To the contrary, Cargill teaches about 400-700 nm. (Cargill, col. 5 lines 51-55). Therefore, claims 3 and 4 are patentable over the combination under § 103(a). Applicants request reconsideration of claims 3 and 4.

The Office Action rejected claims 11, 12, and 20 under 35 U.S. C. § 103(a) as being unpatentable over Knowles in view of German Patent No. DE 41 14407 A1 to Vry et al. ("Vry").

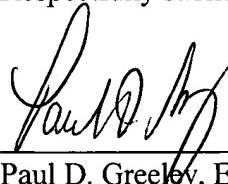
Applicant traverses this rejection and requests reconsideration of claims 11, 12, and 20. A *prima facie* case of obviousness has not been established, because the combination of Knowles and Vry does not teach or suggest all the claim limitations. Therefore, claims 11, 12, and 20 are patentable under § 103(a).

Claims 11, 12, and 20 depend from claim 6 and, thus, include material patentably distinct from Knowles, as discussed above. Furthermore, Applicants were unable to find any teaching or suggestion of "a telecommunication window of the wavelength-dependency is approximately 1500-1600 nm." in Vry. Therefore, claims 11, 12, and 20 are patentable over the combination under § 103(a). Applicants request reconsideration of claims 11, 12, and 20.

In view of the foregoing, Applicant respectfully submits that all of the claims in the present application are patentably distinguishable over the references cited in the Office Action. Accordingly, Applicant respectfully requests reconsideration and that the claims be passed to allowance.

7/30/03
Date

Respectfully submitted,



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